

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MICHELLE L. JIMENEZ,

Plaintiff,

- v. -

KILOLO KIJAKAZI,¹

Commissioner of Social Security,

Defendant.

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| DATE FILED: 9/13/21 |

CONSENT ORDER AWARDING
ATTORNEY'S FEES UNDER THE
EQUAL ACCESS TO JUSTICE ACT
(EAJA), 28 U.S.C. 2412(d)

20 Civ. 7596 (BCM)

IT IS HEREBY STIPULATED by and between June Byun, Special Assistant United States Attorney, for Audrey Strauss, the United States Attorney for the Southern District of New York, attorneys for the defendant herein, and Daniel Berger, Esq., attorney for the Plaintiff, that the Commissioner of Social Security pay to the Plaintiff attorney fees in the amount of **\$4,200.00**, pursuant to the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412, in full satisfaction of any and all claims under the EAJA. *See* ECF No.21 (Motion for Attorney Fees). The attorney fees may be paid to Plaintiff's counsel if Plaintiff agrees to assign the fees to counsel, and provided that Plaintiff owes no debt to the Federal Government that is subject to offset under the U.S. Treasury Offset Program.

AND, the Court having reviewed this matter,

IT IS on this ¹³th day of September 2021;

ORDERED that Plaintiff be allowed said award under the Equal Access to Justice Act.

¹ Kilolo Kijakazi became the Acting Commissioner of Social Security on July 9, 2021. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Kilolo Kijakazi should be substituted, therefore, for Andrew Saul as the defendant in this suit. No further action need be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

It is further agreed that payment of fees will be made directly to Plaintiff's attorney if Plaintiff has agreed to transfer her rights to EAJA fees to his attorney, and provided that Plaintiff owes no debt that is subject to offset under the Treasury Offset Program.



Dated: September 13, 2021

Barbara C. Moses
United States Magistrate Judge

The undersigned hereby consent to the form and entry of the within order.

/s/ Daniel Berger

DANIEL BERGER, ESQ.
Attorney for Plaintiff
1000 Grand Concourse, Suite 1A
Bronx, NY 10451
(718) 588-4715
danielbergeresq@aol.com

AUDREY STRAUSS
United States Attorney
Southern District of New York
Attorney for the Defendant

/s/ June Byun

JUNE BYUN
Special Assistant United States Attorney
c/o Social Security Administration
26 Federal Plaza, Room 3904
New York, New York 10278
Telephone: 212.264.2595
Fax: 212.264.6372
June.Byun@ssa.gov